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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,488	09/30/2003	Michael David Dobbs	200309170-1	1706

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SARPONG, AKWASI

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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02/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/676,488	Applicant(s) DOBBS, MICHAEL DAVID	
	Examiner AKWASI M. SARPONG	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/03/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to because the drawings are without labels.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1- 6, 9-13 and 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sesek (2002/0109867).

Claim 1, Sesek discloses an image reproduction apparatus (Fig. 1) comprising:

a scanning device (Fig. 1 Element 10).

a transparent scanning bed (Fig. 1 Element 11) optically coupled to said scanning device. "Transparent" reads on the glass surface.

an adjustable shade (Fig. 1 Element 16a, 16b, 15a and 15b) associated with said scanning bed (Fig. 1 Element 11).

Wherein said adjustable shade (**Bars**) is configured to selectively extended to cover a portion of scanning bed (**scanner surface or Fig. 1 El. 14**) from the edge of the bed to a leading wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade, (Section: 0024 and 0025, Fig. 1- thus the bars are extended form the edge of the scanner surface to define scan area **14** on the surface of the scanner), underside of said shade presented to said scanning device through said bed being colored such that said scanning device output no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.(Section 0025 and 0026- Fig. 9 shows clearly the scan area and the area that is not going to be scanned, also the bars can be used instead of the pointers as shown in Fig. 9).

Claim 2, Sesek further discloses wherein said scanning device comprises:

a photoconductive platen (Fig. 1 Element 11).

a light source configured to illuminate said scanning bed such that said platen obtains a latent image of an object on said scanning bed. (Paragraph 0029 Line 4).

Claim 3, Seseek further wherein said scanning bed is configured to receive a document (Fig. 1 Element 14).

Claim 4, Seseek further discloses wherein said scanning bed comprises glass (Paragraph 0023 Line 5).

Claim 5, "wherein said scanning bed comprises plastic," reads on Seseek's sliding shade (Fig. 1 Element 16a, 16b, 15a, 15b).

Claim 6, Seseek further discloses wherein said adjustable shade comprises an opaque material. (Note Fig. 1 Elements 16a, 16b, 15a, and 15b are opaque for the purpose of blocking light).

Claim 9, Seseek further discloses an adjustable shade disposed on each side of said scanning bed (Fig. 1 Element 16a, 16b, 15a and 15b).

Claim 10, Seseek discloses wherein said adjustable shades are coupled to said image reproduction device and said adjustable shades are configured to be drawn to

a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism. (Fig. 9 and 10) and (Paragraph 0032 Lines 1-13, Fig. 6, Element 33).

Claim 11, Sesek discloses a method of adjusting a target area of an image reproduction apparatus (Paragraph 0035 Fig. 8 Element 40) comprising:

selectively covering an edge of scanning bed by drawing a shade (**bars**) over said edge (**Fig. 1 El. 17 and 16**) of said scanning bed (Section 0024 and 0025).

placing said object on said drawn shade (Paragraph 0023 Lines 11-12 Fig. 1 Element 11).

and scanning said object. (Fig. 8 Element 47).

wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed (Section 0024 and 0025-thus images at the underside of the bars will not show up as a final product during a scanning operation).

Claim 12, Sesek (Fig. 9 Elements x1, x2, y1, y2 shows that the distance x1, x2, y1 and y2 has to be measured for the pointers to be moved) discloses wherein said drawing shade comprises: measuring a distance from said shade to a furthest point of a certain condition; and extending said shade equal to said distance.

Claim 13, Sesek (Note Fig. 1 Elements 16a, 16b, 15a, and 15b are opaque for the purpose of blocking light) further disclose wherein said shade comprises an opaque material; wherein said opaque material is configured to prevent the scanning of an object.

Claim 14, Sesek discloses an optical scanner (Fig. 1 El 10) with an adjustable shade (Fig. 1 Element 16a, 16b, 15a and 15b) comprising:

a shade groove or recess disposed at an edge of a scanning bed of said optical scanner and a shade coupled to said shade groove or recess (Section 0024 and 0025, Fig. 1 El 16 and 17) ;

a shade coupled to said shade groove or recess (Fig. 1 Clearly shows that the bars are coupled to groove or recess).

wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner (Section 0024 and 0025-thus images at the underside of the bars will not show up as a final product during a scanning operation).

Claim 18, Sesek discloses a shade wherein an underside of said shade is configured to reflect an emitted light (Fig. 1 El 16 and 15 (a and b)).

Claim 19, "wherein said underside of said shade is white also reads on Sesek's Bars (Fig. 1 El. 16 and 15).

Claim 20, Sesek discloses a scanning device for eliminating unwanted areas of a scanned image (Fig. 1) said scanning device comprising:

means for scanning (Fig. 1 Element 10).

means for selectively covering edges (**Bars**) of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed (Section 0024, Fig. 1- thus image markings are produced from only the scan area).

wherein said means for covering edges of said scanning bed are configured to selectively reduce an effective scanning area of said means for scanning (Fig. 1 El 14 clearly shows a reduced scan area, also you can see Fig. 9 and 10).

Claim 21, Sesek discloses wherein said means for scanning comprises:

a scanning unit (Fig. 1 Element 10 in which inherently include a scanning unit, i.e optical reader).

a transparent scanning bed (Paragraph 0023 Line 3-6 Fig 1 Element 11) optically coupled to said scanning unit.

Claim 24, Sesek discloses a scanning method that further comprising using said scanning from imaging a spine of a bound volume (The spine of a bound volume has to be excluded from the scan area as disclosed in Fig. 9).

Claim 25, Seseek discloses a method that further comprising using said shade to prevent said scanning from imaging a notation on a document. (The notation has to be excluded from the scan area as disclosed in Fig. 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8 15-19 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seseek (2002/0109867) in view of Schlecht (6695381).

Claim 7, Seseek discloses an adjustable shade. (Fig. 1 Element 16a, 16b, 15a and 15b)

Seseek does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Schlecht discloses wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. (Column 7 Lines 5-28 Fig. 5 Element 27).

Therefore it will be obvious to one ordinary skilled in the art to modify Seseek's adjustable shade with Schlecht's shade reel so to increase the scanning surface of the transparent scanning bed by completely retracting the shade into the reel away from the scanning bed.

Claim 8, SeseK in view of Schlecht (Fig. 2 Elements 25, 28, 26 and 37)) wherein said opaque material is coiled around said shade reel.

Claim 15, SeseK discloses all the limitation in claim 14 as discussed above.

SeseK does not disclose that the opaque material is concentrically wrapped around said shade reel.

Schlecht (Fig. 2 Elements (28, 25, 37and 26) further discloses wherein said opaque material is concentrically wrapped around said shade reel. Therefore it will be obvious to one ordinary skilled in the art to modify SeseK's adjustable shade with Schlecht's shade reel so to increase the scanning surface of the transparent scanning bed by completely retracting the shade into the reel away from the scanning bed.

Claim 16, SeseK discloses all the limitation in claim 14 as discussed above.

SeseK does not disclose wherein said shade is wound on said_reel which further comprises a spring and lock mechanism.

Schlecht (Fig. 2 Elements (28, 25, 37and 26) further discloses wherein said shade is wound on said_reel which further comprises a spring and lock mechanism.

Therefore it will be obvious to one ordinary skilled in the art to modify Seseek's adjustable shade with Schlecht's shade reel so to increase the scanning surface of the transparent scanning bed by completely retracting the shade into the reel away from the scanning bed.

Claim 17, Seseek in view of Schlecht (Column 7 Lines 5-28, Fig.2) discloses wherein said spring and lock mechanism is configured to permit said shade to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted to said shade reel.

Claim 22, Seseek discloses a scanning device as discussed in claim 20 in which the shading material is opaque for the purpose of blocking light.

Seseek does not disclose a shade reel.

Schlecht discloses a shade reel (Col. 7 Lines 5-23, Fig. 5 Element 26). Therefore it will be obvious to one ordinary skilled in the art to modify Seseek's adjustable shade with Schlecht's shade reel so to increase the scanning surface of the transparent scanning bed by completely retracting the shade into the reel away from the scanning bed.

Claim 23, is analyzed with respect to claims 6-8.

Response to Arguments

Objection to Drawings"

Applicant misconstrues the term "label representation". The Examiner requires applicant to change the numerical label; i.e. Element. 170 of Fig. 1A should be relabeled as "light source". This applies to all numerical elements of all drawings.

New grounds of rejection:

The rejection is maintained because the argument presented by the applicant was not persuasive to overcome the reference used in the art rejection.

Applicant argues that Sesek does not appear to teach the claimed adjustable shade (**Bars**) that is selectively extended to cover a portion of scanning bed (**scanner surface or Fig. 1 El. 14**) from the edge of the bed to a leading wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade, (Section: 0024 and 0025, Fig. 1- thus the bars are extended form the edge of the scanner surface to define scan area **14** on the surface of the scanner), underside of said shade presented to said scanning device through said bed being colored such that said scanning device output no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.(Section 0025 and 0026- Fig. 9 shows clearly the scan area and the area that is not going to be scanned, also the bars can be used instead of the pointers as shown in Fig. 9).

Applicant further argues that Seseek does not teach the claimed adjustable shade that is selectively extended to cover a portion of scanning bed from the edge of the bed to a leading edge of the shade.

Examiner respectfully disagrees in view of the following disclosure by Seseek (2002/0109867):

In reply: As taught by Seseek in section 0024 and 0025, the elongated or extended bars are slidable, which are moved to define a wanted area of the document by covering a portion of scanning bed (**unwanted portion**) (Fig. 1 clearly shows that the bars cover portions of El. 11 to define area 14).

Moreover applicant argues that Seseek does not teach or suggest "an underside of said shade presented to said scanning device through a said bed being colored such that said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed,"

Examiner respectfully disagrees in view of the following disclosure by Seseek (2002/0109867):

In reply: Fig. 1 Clearly shows that the underside of the bars are placed on top of the scanner surface to define area 14 which is the scan area of scanning surface 11. Also it is clear that the scanner present images from only the scan area 14.

Claim 20: A scanning device for eliminating unwanted areas of a scanned image, said scanning device comprising:

Art Unit: 4178

means for scanning (Fig. 1 Element 10)

means for selectively covering edges (**Bars 16 and 15 of Fig. 1**) of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed (Section 0025, Fig. 1- thus the scanner produces images of only the scan area); wherein said means for covering edges of said scanning bed are configured to selectively reduce an effective scanning area of said means for scanning (Fig. 9 clearly shows the reduced scanning area).

Applicant argues that Sesek does not appear to teach or suggest a scanning device like that claimed with "means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed."

Examiner respectfully disagrees because:

In reply: Sesek disclosure that the bars are used to define area 14 as shown in Fig. 1, which outputs image markings of that area.

1. Claims 7, 8, 11-19 and 22-23 were rejected as unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Sesek and U.S. Patent No. 6,695,381 to Schlecht ("Schlecht").

Claim 11,

A method of adjusting the target area of an image reproduction apparatus comprising:

selectively covering an edge of scanning bed by drawing a shade over said edge of said scanning bed;(Section 0024 and 0025-thus the bars slides to cover parts of the scanner surface which defines a scan area).

placing said object on said drawn shade; and scanning said object

wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed. (Section 0025 and 0026- Fig. 9 shows clearly the scan area and the area that is not going to be scanned, also the bars can be used instead of the pointers as shown in Fig. 9).

Applicant argues that Sesek does not teach a method of adjusting a target area of an image reproduction apparatus by "selectively covering an edge of scanning bed by drawing a shade over said edge of said scanning bed."

Examiner respectfully disagrees to applicant's argument for the following reasons.

In reply: Fig. 1 clearly shows that as the bars slides from the edge of the scanner to define the scan area it automatically covers portions of the scanner surface 11.

Moreover applicant argues that Sesek does not teach wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby affectively reducing a size of said scanning bed.

Examiner respectfully disagrees in view of the following disclosure by Sesek (2002/0109867):

In reply: Fig. 1 Clearly shows that the underside of the bars are placed on top of the scanner surface to define area 14 which is the scan area of scanning surface 11. Also it is clear that the scanner present images from only the scan area 14.

Claim 14, Sesek discloses an optical scanner with an adjustable shade (**bars**) comprising

a shade groove disposed at an edge of a scanning bed of said optical scanner (Section 0024, Fig. 1 El. 17 and 16);

and a shade coupled to said shade groove; wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said, underside of said shade thereby effectively reducing a scan target area of said optical scanner (Section 0024 and 0025- Thus as the bar slides to define the scan area of the scanner bed the underside of the bars cannot be output by the scanner).

Sesek does not teach that the shade (**bars**) is coupled to a reel instead it is coupled to groove or recess.

Schlecht discloses a reel (**windup shaft**) that is used to drive a window shade. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Sesek's grooves or recess with Schlecht's reel (**windup shaft**) which will make movement of the shade more effective.

Applicant argues that Sesek and Schlecht fail to teach or suggest an optical scanner with a shade "wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner."

Examiner respectfully disagrees on the grounds that:

In reply: Sesek teach an optical scanner (**Scanning device**) which use bar to define a scan area by reducing the scanner surface 11 as shown in Fig. 1 to area 14. The scanner outputs image markings only from area 14 (Section 0031, Fig. 1 El. 10).

Moreover, Applicant clearly argues that Sesek clearly fails to teach "a shade reel disposed at an edge of a scanning bed of said optical scanner.

As discussed above, Sesek coupled the bars with groove to help movement of the bars. Schlecht discloses a reel (**windup shaft**) coupled to a shade to help in movement of the window shade. The purpose of the window shade is to prevent entries of light as disclosed in Schlecht in Col. 7 Lines 39-45. The purpose of a shade in a

scanning operation is to prevent illumination of the scanned document. Therefore since they are solving the same problem it will be obvious to one ordinary skilled in the art at the time of the invention to modify Sese's optical scanner which couples shade (bars) with recess or groove with Schlecht's windup shaft so that there will be an easy movement of the shade during retraction and traction process as taught by Schlecht in col. 7 Lines 16-21).

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akwasi M. Sarpong whose telephone number is 571-

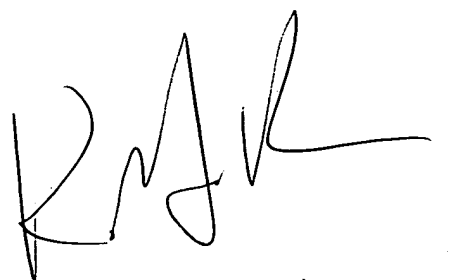
Art Unit: 4178

270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571)272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMS



KING Y. POON
ADVISORY PATENT EXAMINER